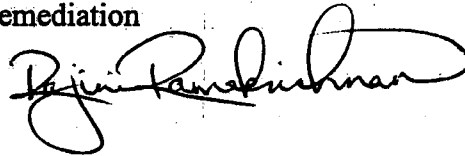


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

DATE: APR 02 2003

SUBJECT: L.E. Carpenter/Dayco Site
Focused Feasibility Study Lead-Impacted Soil Remediation

FROM: Rajini Ramakrishnan, Environmental Specialist
Environmental Review Section



TO: Stephen Cipot, Remedial Project Manager
Southern New Jersey Remediation Section

We have reviewed the February 2003 Focused Feasibility Study Lead-Impacted Soil Remediation Report ("FFS Report") which was prepared for the L.E. Carpenter Site (LEC), located in Wharton Borough, Morris County, New Jersey. Historical operations can be divided into two categories: (1) mining and forging, and (2) vinyl manufacturing. Both operations have historically been reported to contribute to the potential source of lead contamination on site soils.

The April 1994 Record of Decision (ROD) specified excavation of soils which contain elevated levels of lead. However, during the excavations it was discovered that the extent of contamination was greater than anticipated. Therefore, a change in remedial action has been proposed. The objective of the Final FFS is to provide the required documentation to support a change to the ROD-approved remedial alternative for lead-impacted soils from excavation and off-site disposal to excavation and on-site beneficial reuse as subgrade fill material (the cap and fill option that is presented here allows soils with an acceptable risk to be left in place). LEC is opting for an end-use plan for the site that involves predevelopment of the remediated site as an eventual municipal recreation area rather than for industrial reuse.

We have reviewed this document for issues related to environmental resources. To summarize, the following location-specific ARARs and TBCs are applicable for this site:

- National Historic Preservation Act;
- E.O. 11990, "Protection of Wetlands;"
- E.O. 11988, "Floodplain Management;"
- EPA's 1985 Statement of "Policy on Floodplains/Wetlands Assessments For CERCLA Actions;"
- Endangered Species Act

Cultural Resources

The National Historic Preservation Act is an ARAR for this site. We had previously reviewed (in September, 1992) a Stage IA Cultural Resource Survey (CRS) for this site. We offered the following comments:

1. The report presents the results of an adequate Stage IA CRS. A copy of the report containing the original prints of the photographs should be made available to the Environmental Review Section. (Our records indicate that we have not received this).
2. The results of the survey indicate the sensitivity of portions of the site for the discovery of both prehistoric and historic resources. The areas of likely impact, due to proposed remedial actions, should be evaluated along with the areas of sensitivity as noted in the report to determine the need for additional cultural resource survey.

We will review the data in the 1992 Stage IA CRS with information provided in the FFS Report to determine how to proceed. In the event that the current cap and fill option may affect



prehistoric or historic resources at the site or if we have any questions, we may need to schedule a meeting (prior to the selection of this remedy) to further discuss this issue.

Wetlands

Executive Order 11990 ("Protection of Wetlands") and EPA's 1985 "Statement of Policy on Floodplains and Wetlands for CERCLA Actions" require that remedial action alternatives be evaluated for how they may potentially impact wetland areas. In order to comply with these wetlands ARARs/TBCs, a wetlands delineation, wetlands assessment, and wetlands mitigation plan is needed for any wetlands impacted or disturbed by contamination and/or remedial activities.

A wetlands delineation ("Wetland Investigation Report") was completed and sent to us for review in December, 1992. It was determined that wetlands and State open waters occur on-site and on immediately adjacent properties. Three vegetative communities were identified within the property: disturbed successional area, palustrine emergent wetlands (PEM) and palustrine forested wetlands (PFO1). Our review notes that a small area of wetlands will be excavated as part of the proposed remedial action outlined in the Final FFS. Thus, a wetlands assessment is needed in order to comply with applicable ARARs/TBCs.

We received a January 15, 1992 Wetlands Assessment Report ("Wetlands report") for the site. We recommend that this assessment be modified for reasons described in the following paragraph. The remedial options evaluated in 1992 are different from the remedial action being proposed in the Final FFS. The remedial action in the Final FFS proposes that the contaminated soil (with the exception of Category B process wastes) be stockpiled for reuse as backfill. This means we now have to determine what impacts stockpiling and then replacing the contaminated soil on site could have on the surrounding wetlands. For this reason, we recommend that the previously completed Wetlands Assessment Report be modified to account for these changes.

In addition, the excavation of contaminated soils that were evaluated for Alternatives 5 and 6 of the 1992 Wetlands report (Alternatives 5 and 6 are most similar to the remedial action currently being proposed) were determined to cause extensive disturbances within both the wetlands and the floodplains. As a result of this, the Wetlands report concluded that a wetlands mitigation plan would need to be prepared. Since the remedial action being proposed in the Final FFS currently under review maintains the excavation component of Alternatives 5 and 6 in the Wetlands report, we can assume that there will still be disturbances within both the wetlands and the floodplains onsite, and a wetlands mitigation plan is still needed (there is no indication that this has been completed).

A revised wetlands assessment and wetlands mitigation plan should thus be completed and forwarded to us for review and comment as soon as possible. In addition to the previously mentioned wetlands delineation, the wetlands assessment should include:

- a brief discussion of the impacts of the preferred remedial alternative as well as those alternatives not selected;
- a functional assessment of wetlands resources (including the completed characterization of existing flora and fauna);
- the effects of contaminants on wetlands resources;

- measures to minimize potential adverse impacts that cannot be avoided,
- replacement for wetlands losses (mitigation); and
- a post-mitigation monitoring plan.

Floodplains

We note that a floodplains delineation has been provided (Figure 5). The majority of the site lies within the 100-year floodplain of the Rockaway River. Parts of the site may also be located within the 500-year floodplain although this has not been indicated on the map. Accordingly, in compliance with Executive Order 11988 ("Floodplain Management") and EPA's 1985 "Statement of Policy on Floodplains and Wetlands for CERCLA Actions", a floodplains assessment must be completed for the site. At this time, there is no indication that the assessment has been completed (or if it has been done, we have not yet received it). In addition to a floodplains delineation where both 100-year and/or 500-year floodplains found within the site are delineated on maps of the site, a floodplains assessment should also include:

- a description of the proposed action;
- the effects of the proposed action on the floodplain;
- a description of the other remedial alternatives considered and their effects on the floodplain; and
- measures to mitigate potential harm to the floodplain if there is no practicable alternative to locating in or affecting the floodplain, including impacts to the proposed remedial action from flooding events during and after implementation of the remedy.

Once the floodplains delineation and floodplains assessment are completed, they should be forwarded to us for our review and comment.

Endangered Species

Pursuant to Section 7 of the Endangered Species Act, on May 1, 1991 we initiated informal consultation with the U.S. Fish and Wildlife Service (FWS) to determine whether there are any federally listed endangered/threatened species or critical habitats present on or in the vicinity of the site. Their response, of June 3, 1991, recommended that a survey be conducted to determine the absence or presence of the federally threatened plant species *Helonias bullata* (swamp pink). According to the FWS, swamp pink was documented to exist in forested wetlands within ten miles of the site. Our records indicate that a "Draft Habitat Survey Work Plan for the Threatened Swamp Pink" was submitted to us for review in 1992.

Since over ten years have elapsed since we received the informal consultation response from the FWS and since any endangered species surveys have been done at the site, we will need to re-initiate consultation with the FWS to determine what needs to be done at this time. Please note that depending on the response we receive from the FWS, additional investigations/surveys may be necessary. We will notify you of the FWS' determination and recommendations as soon as it becomes available.

Other ARARs and TBCs

This site does not fall within, and does not impact upon, the coastal zone as designated by New Jersey, nor is it located near a designated coastal barrier. Also, this site does not affect any wild and scenic rivers, wilderness areas, or significant agricultural lands. Therefore, the Coastal Zone Management Act, the Coastal Barrier Resource Act, the Wild and Scenic Rivers Act, the

Wilderness Act, and the Farmland Protection Policy Act are not ARARs for this project.

Thank you for this opportunity to comment. We look forward to working with you as the project progresses. If you have any questions regarding our comments, please contact me at x-3731.

cc: M. Clemetson, DESA-HWSB
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